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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,772	11/05/2001	John I. Garney	42390P11617	5851

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 11/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,772

Applicant(s)

GARNEY ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 10 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6, 7, 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by *Howard et al.*, (US 6,067,591)

As per claims 1 and 7, *Howard* teaches a method for making changes to an active schedule (by either executing or skipping the current transaction) being processed by a host controller (USB), the method comprising:

- examining a transaction descriptor (col. 3, lines 14-16)
- determining a current state for a transaction based on the transaction descriptor; and (col. 4, lines 18-28)
- preventing the transaction from starting if the current state indicates the transaction has not already started. (col. 4, lines 65-col. 6, lines 1-67, col. 7, lines 63-col. 8, lines 1-7, Figs. 3,4)

Howard teaches a system that determines if a current transaction scheduled to be performed should or should not be started. In one prior method *Howard* teaches that if the current transaction is scheduled to start at a certain time and the “start time” is

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held up for a particular reason, then the current transaction is delayed. Further, *Howard* teaches of checking the current transaction scheduled to be perform and intentionally skipping or delaying the current transaction because there is not enough time to perform the scheduled transaction.

As per claim 6 and 12, *Howard* teaches wherein the transaction descriptor includes a queue head, which is updated once the transaction is completed. (Fig.1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 9, 11, 13-15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Howard et al.*, (US 6,067,591).

As per claim 13, *Howard* does not clearly teach of transmitting to and from an agent. However, one of ordinary skill in the art at the time the invention was made would readily recognize that *Howard's* host controller processes and schedules packets of information on behalf of an application executing on the system and it would not be out of the inventive scope of *Howard's* host controller to engage those communication packets with external agent.

As per claims 2, 8, and 14, *Howard* does not clearly teach wherein the transaction descriptor includes a control bit to retain information related to a change in the active schedule. However, *Howard* teaches that if a scheduled transaction cannot be performed then that scheduled transaction is delayed until there is sufficient time in a frame to conduct the transaction. Therefore, it would have been obvious to one of ordinary skill that the system would somewhat kept track (control bit) of all delayed transactions in order to rescheduled them in subsequent frames that will have sufficient time to conduct the delayed transaction.

As per claims 3, 9, and 15, *Howard* does not teach marking the transaction descriptor as inactive. However, if a scheduled transaction were delayed because of a lack of space in a current frame, then it would have been obvious to one of ordinary skill that the scheduled transaction would be inactive for that particular frame.

As per claim 5, 11, and 17, *Howard* does not teach wherein the transaction is a split transaction. However, *Howard* would have been motivated to implement split transactions in order to add flexibility to the system by allowing the system to engage in other system functions.

As per claim 18, see the explanation for claim 6 above.

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Allowable Subject Matter

Claims 4, 10, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if added to the rejected independent claim.

Conclusion

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

October 30, 2003

A handwritten signature in black ink, appearing to read 'Tammara Peyton', is written over the typed name and date.